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BY C. J. MERRITT

No. ~~28433~~ 7

SUPREME COURT OF THE STATE OF WASHINGTON

CHADWICK FARMS OWNERS ASSOCIATION, a Washington  
nonprofit corporation

*Plaintiff/Appellant,*

v.

FHC LLC, a Washington limited liability company,

*Defendant/Third Party Plaintiff/Respondent/Cross-Appellant,*

v.

AMERICA 1ST ROOFING & BUILDERS, INC., a Washington  
corporation; CASCADE UTILITIES, INC., a Washington corporation;  
MILBRANDT ARCHITECTS, INC., P.S., a Washington corporation;  
PIERONI ENTERPRISE, INC., d/b/a PIERONI'S LANDSCAPE  
CONSTRUCTION, a Washington corporation, TIGHT IS RIGHT  
CONSTRUCTION, a WASHINGTON corporation; GUTTER KING,  
INC., a Washington corporation,

*Third Party Defendants/Cross-Respondents.*

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**BRIEF OF CROSS-RESPONDENT  
CASCADE UTILITIES, INC. (IN RESPONSE TO APPELLANT'S  
BRIEF OF CHADWICK FARMS OWNERS' ASSOCIATION)**

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## **I. STATEMENT OF THE CASE**

On September 30, 2005, the trial court granted FHC LLC's Motion for Summary Judgment against Chadwick Farms Owners Association based on the dissolved status of FHC LLC. CP 208-210. The trial court similarly granted, via separate orders, third-party defendants Cascade Utilities, Inc., Milbrandt Architects, Inc., P.S., and Pieroni Enterprise, Inc.'s Motions for Summary Judgment. CP 105-107, 98-101, 108-112.

Chadwick Farms Owners Association filed its Notice of Appeal to the Washington Supreme Court on or about October 28, 2005. CP 228-36. Chadwick Farms Owners Association filed an Amended Notice of Appeal to the Washington Supreme Court on or about January 10, 2006. CP 246-73.

Respondent/Cross-Appellant FHC LLC filed a Notice of Appeal to the Washington Supreme Court on or about January 12, 2006. CP 276-300.

## **II. ARGUMENT**

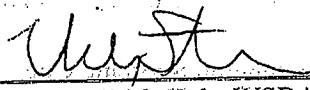
Appellant Chadwick Farms Owners Association's Opening Brief does not involve Cascade Utilities' Summary Judgment Dismissal from the underlying action. Rather, it relates to a separate dismissal order entered by the trial court, as set forth in the Statement of Facts. Cascade

Utilities anticipates that issues relevant to its position on appeal will be raised in FHC LLC's Respondent's/Cross-Appellant's brief as there are factual distinctions and differing legal issues between the two appeals. If FHC LLC timely files a brief that raises issues relevant to the dismissal of Cascade Utilities, Cascade Utilities reserves the right to file a formal Cross-Respondent's brief within 30 days after service of FHC LLC's opening brief.

RESPECTFULLY SUBMITTED this 3rd day of May, 2006.

SCHEER & ZEHNDER LLP

ATTACHMENT  
E-MAIL

By   
Jonathan Dirk Holt, WSBA No. 28433  
Vicky Strada, WSBA No. 34559 Attorneys  
for Third-Party Defendant/Cross-Respondent  
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BY C. J. HERRITT  
CERTIFICATE OF SERVICE

The undersigned certifies under the penalty of perjury under the laws of the State of Washington that I am now and at all times herein mentioned, a citizen of the United States, a resident of the State of Washington, over the age of eighteen years, not a party to or interested in the above-entitled action, and competent to be a witness herein.

On the date given below I caused to be served this BRIEF OF CROSS-RESPONDENT CASCADE UTILITIES, INC. (IN RESPONSE TO APPELLANT'S BRIEF OF CHADWICK FARMS OWNERS' ASSOCIATION) on the following individuals in the manner indicated:

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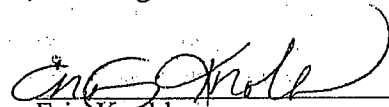
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DATED this 3<sup>rd</sup> day of May, 2006 at Seattle, Washington.



Erin Knobler

FILED AS ATTACHMENT  
TO E-MAIL

Rec. on 5-3-06

-----Original Message-----

**From:** Erin Knobler [mailto:[eknobler@scheerlaw.com](mailto:eknobler@scheerlaw.com)]

**Sent:** Wednesday, May 03, 2006 12:52 PM

**To:** OFFICE RECEPTIONIST, CLERK

**Cc:** Vicky Strada; Dirk Holt

**Subject:** Chadwick Farms Owners Association v. FHC LLC, et al, Supreme Court of the State of Washington Cause no. 77881-7

Clerk of the Court:

Attached please find the Brief of Cross-Respondent Cascade Utilities, Inc. (In Response to Appellant's Brief of Chadwick Farms Owners' Association) for filing in the above-referenced case, Chadwick Farms Owners Association v. FHC LLC, et al, Supreme Court of the State of Washington Cause no. 77881-7, by Vicky L., Strada, WSBA No. 34559, Attorney for Third-Party Defendant Cascade Utilities, Inc.

Please confirm receipt of the attached filing, and please do not hesitate to call if you have any problems opening the attachment or if you need anything further. Thank you for your attention to this matter. --Erin Knobler, Legal Secretary

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